2 FAM 1120 PUBLICATION IN THE FEDERAL REGISTER

(CT:GEN-388; 01-06-2011)
(Office of Origin: A/GIS/DIR)

2 FAM 1121 GENERAL

2 FAM 1121.1 Authority

(CT:GEN-388; 01-06-2011)

Authorities include:

- Federal Register Act (44 U.S.C. 15)
- Administrative Procedure Act (5 U.S.C. 551 et seq.)
- *Paperwork Reduction Act (44 U.S.C. 3501 et seq.)*
- *Federal Advisory Committee Act (5 U.S.C. Appendix 2)*
- *Congressional Review Act (5 U.S.C. 801 et seq.)*
- *Federal Register regulations (1 CFR Chapters I & II)*
- *Other statutes or rules that may require publication in the Federal Register*

2 FAM 1121.2 Liaison Functions

(CT:GEN-388; 01-06-2011)

a. The Office of Directives Management (A/GIS/DIR) has liaison responsibility with the Office of the Federal Register (OFR) on all matters concerning Department of State publication in the Federal Register (FR). The designated Federal Register liaison has sole authority for submissions to the OFR *on behalf of the Department*. *Liaison responsibilities* include*:*

- *Certify submissions and signatures on documents submitted for publication*
- *Review clearances*
- *Authorize corrections*
- *Ensure submissions are in proper format*

b. The Federal Liaison may be contacted at 202-312-9600 or through the A/GIS/DIR Web site.

2 FAM 1122 THE FEDERAL REGISTER *(FR)* SYSTEM

(CT:GEN-388; 01-06-2011)

The Federal Register System is the central publication system the U.S. Government uses to inform the public of Presidential documents, regulations, rules, and notices affecting them. *General and permanent rules published in the Federal Register are collected into the* Code of Federal Regulations (CFR). *The OFR Web site has links to both the daily Federal Register, and the daily and annual CFR.*

2 FAM 1122.1 Federal Register (FR)

(CT:GEN-388; 01-06-2011)

a. The Federal Register is a daily publication that provides a uniform system for publishing Presidential and Federal agency documents. It is published on all official U.S. Government workdays. The *FR* contains certain Presidential documents, documents of general applicability and legal effect, and documents requiring publication by statute or regulation. The *FR* is the initial means by which rules and regulations are codified into the CFR.

b. The Federal Register System charges a fee for all material published in the Federal Register. *The originating program office is responsible for fee payment.* For a list of OFR publishing fees, access the *A/GIS/DIR* Web site or call the Federal Register liaison in *A/GIS/DIR at 202-312-9600.*

c. All material published in the FR must conform to their standards, which are articulated in the Federal Register Document Drafting Handbook.

2 FAM 1122.2 Code of Federal Regulations (CFR)

(CT:GEN-388; 01-06-2011)

a. The Code of Federal Regulations (CFR) is a codification of the rules and regulations of the various Federal agencies. The CFR is divided into 50 titles according to subject matter. The title *containing most of the regulations of* the Department of State is 22 CFR - Foreign Relations.

b. The National Archives and Records Administration's (NARA) Office of the Federal Register (OFR) and the Government Printing Office (GPO) produce an electronic version of the CFR. The Electronic Code of Federal

Regulations (e-CFR) is an editorial compilation of CFR material and Federal Register amendments. The OFR updates the material in the e-CFR on a daily basis. There is a link to the e-CFR on the OFR Web site

2 FAM 1123 FEDERAL REGISTER (FR) DOCUMENT CATEGORIES

2 FAM 1123.1 Presidential Documents

(CT:GEN-388; 01-06-2011)

When directed by the President, the Department of State publishes the following Presidential documents in the *FR*:

- Presidential Determinations
- Presidential Memoranda

2 FAM 1123.2 Rule Notices

(CT:GEN-388; 01-06-2011)

a. For purposes of the Federal Register System the terms "rule" and "regulation" are used interchangeably. *The Department of State's rulemaking program is covered in 2 FAM 1180.*

b. Agency rules are published in the *FR.* They propose or finalize additions, subtractions and changes to agency regulations in the CFR. Some request public comment within a specified time period*, typically for 60 days*. *(See 2 FAM 1180.)*

c. *The Department publishes the following types of rule notices:*

(1) Advance Notice of Proposed Rulemaking (ANPRM): sometimes used when the Department desires public comment prior to proposing a rule;

(2) Proposed Rule: contains a proposed rule and an explanation for the proposed changes. It solicits public comment for a specified period of time. Proposed rules are published in a Notice of Proposed Rulemaking (NPRM);

(3) Interim Final Rule: contains an interim rule and effective date for implementing the rule's provisions, but such rules must be finalized in a subsequent final rule notice;

(4) Final Rule: contains the final version of the rule and an effective date for implementing its provisions; and

(5) Direct Final Rule: contains a final rule that was not first proposed in a

NPRM or in an interim rule.

d. *On an informal basis, OMB reviews each proposed rule to determine whether it is a significant rule. In addition, a number of conditions apply to Final Rule notices, including review by the Office of Management and Budget (OMB), and notification to Congress and the Government Accountability Office under the Congressional Review Act.*

e. Originating *program* offices should consult with the Office of the Legal Adviser (L) *section* that provides legal services to their bureau *prior to drafting any rules*.

NOTE: Report all anticipated rules and regulations, regardless of their state of development, to the Office of the Legal Adviser (L/M) for inclusion in the Department's submission to the semiannual regulatory agenda.

2 FAM 1123.3 Other Notices

(CT:GEN-388; 01-06-2011)

The Department publishes other types of notices, which include:

- Information Collections (see 2 FAM 1160); these also have different types of notices
- Delegations of Authority (see 2 FAM 1140)
- Notices of Findings
- *Notice of* Meetings*, including meetings held by Federal advisory committees*
- *And perhaps others (Please consult with the Federal Register Liaison or L/M.)*

2 FAM 1123.4 Notice Templates

(CT:GEN-388; 01-06-2011)

To assist program offices with drafting notices, A/GIS/DIR provides templates for all types of notices on the DIR Federal Register page.

2 FAM 1124 OBTAINING CLEARANCES

(CT:GEN-388; 01-06-2011)

a. *Before submitting a notice for publication, the originating program office must obtain clearances from the following:*

- *The Office of Legal Adviser, Management section (L/M)*
- *All Department offices affected by the publication of the notice*

- *Any other clearances, as appropriate*

b. *Submit proof of clearance with the notice itself to A/GIS/DIR. A/GIS/DIR can request additional clearances as needed.*

c. The Federal Register liaison in A/GIS/DIR reviews *and clears* all notices *before submission to the OFR.*

2 FAM 1125 FEDERAL REGISTER DOCUMENT REQUIREMENTS

(CT:GEN-388; 01-06-2011)

a. A/GIS/DIR has pre-approved OFR formats for publishing *notices* in the *FR*. If you have any questions about formatting, contact A/GIS/DIR's Federal Register liaison *at 202-312-9600* or visit the *A/GIS/DIR* Web site.

b. OFR requirements for *FR* documents are available in the Federal Register Document Drafting Handbook *on the OFR Web site*.

2 FAM 1126 DOCUMENTS TO SUBMIT

(GEN-000; 00-00-2011)

a. Submit the following documents to the Federal Register liaison:

(1) Four signed hard copy originals of each notice: Three originals for the Office of the Federal Register (OFR) and one for the Department's records. Submit a minimum of one signed original. All originals must carry the authorizing officer's original signature in ink (preferably blue);

(2) Either of the following:

(a) A hard copy clearance page that lists the names and offices of all clearers with their signatures; or

(b) An electronic clearance page that lists the names and offices of all clearers with the word "ok" after each;

(3) An electronic copy of the submitted material: Submit an electronic copy of the material to A/GIS/DIR in MS Word format on a CD or email the MS Word document to A/GIS/DIR on the unclassified system; and

(4) A completed Form DS-0005, Requisition for Publishing, Reproduction, and Distribution Services: Provide appropriate fiscal information and the signature of the bureau's budget officer.

b. Submit all documents as a package to A/GIS/DIR for review and

processing. A/GIS/DIR does not assign a public notice number until it has the complete package. If questions or problems arise, A/GIS/DIR will contact the originating program office directly.

c. A/GIS/DIR forwards the document to the OFR via courier.

2 FAM 1127 HOW LONG DOES IT TAKE TO PUBLISH?

(GEN-000; 00-00-2011)

The *OFR* normally publishes documents within 4 days of receiving them from A/GIS/DIR. This *provides* sufficient time for the OFR to perform its review *and* for the Government Printing Office to format the document for publication *and display it for public comment. The four day publication cycle may be extended when the OFR receives a larger than usual volume of documents from Federal agencies.*

2 FAM 1127.1 Emergency Publication

(CT:GEN-388; 01-06-2011)

If a *notice* requires publishing in less than 4 days, the originating *program* office must submit an emergency request *memorandum* stating the reason for the accelerated scheduling. This accelerated scheduling makes only a 1-day difference—it is published in 3 days instead of 4 days. *Contact the Federal Register Liaison for specifics.*

2 FAM 1127.2 Special Handling Publication

(CT:GEN-388; 01-06-2011)

In certain circumstances the originating *program* office may require special handling and a limited release of sensitive notices. Bring these special requests to the attention of the Federal Register liaison in A/GIS/DIR as soon as possible, so *the liaison can make arrangements for special handling and/or limited release.*

2 FAM 1128 AND 1129 UNASSIGNED

(CT:GEN-328; 07-11-2006)